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**Subject:** MEMO: Water Quality State Action Items

TO: Interested Parties  
FROM: Office of Governor Roy Cooper  
DATE: July 24, 2017  
RE: Water Quality State Action Items

In June, Governor Cooper directed the state Department of Environmental Quality along with the state Department of Health and Human Services to launch an investigation into Chemours' discharge of the compound known as GenX. Governor Cooper and his administration were successful in getting Chemours' to stop the release of GenX. Since then, the level of GenX in the water has been trending downward and tests are ongoing to ensure the levels continue to move in that direction.

Today in Wilmington, after meeting with local, state and federal officials, Governor Cooper announced next steps that the state will take to protect the drinking water in North Carolina and to get answers for people in the Lower Cape Fear. Below is a recap of those next steps.

#### **SBI Investigation**

Governor Cooper has directed the State Bureau of Investigation's Diversion and Environmental Crimes Unit to assess whether a criminal investigation is warranted. The SBI will work with its partners at the state Department of Environmental Quality and federal EPA to determine if there is evidence of criminal violations of the permit or the federal consent order that is in place.

#### **Denial of Chemours' Permit Application**

Chemours is in the process of applying for a new NPDES (National Pollutant Discharge Elimination System) permit, a federal permit program that controls water pollution and is managed by North Carolina DEQ. Today, Governor Cooper announced that DEQ will deny Chemours' permit request to release GenX, issuing a new draft permit that prevents GenX release. Acknowledging the potential for other possibly harmful compounds, Chemours' draft permit will include a clause authorizing the state to quickly re-open the permit if needed to regulate and enforce levels of any of emerging compounds based on new scientific findings.

#### **Public Health Assessment**

Governor Cooper spoke with the Director of the Centers for Disease Control and Prevention, Dr. Brenda Fitzgerald, to request a public health assessment to review any potential long-term health effects of GenX. Chemours disclosed that they have been discharging GenX as a byproduct from another manufacturing process since 1980. The CDC has the expertise needed to conduct complex exposure modeling that will give citizens a better understanding of any potential health risks from the last 30 years. Dr. Fitzgerald told the governor the CDC will begin these studies. Local, state and federal authorities will need to work together to provide all available data to the CDC.

#### **Engaging the EPA**

Governor Cooper has spoken directly with EPA Administrator Scott Pruitt to request that the EPA move swiftly on completing a health assessment to help set regulatory standards. They also discussed the consent order that allowed Chemours to release GenX in the first place, and the EPA is looking into whether that order needs to be updated and tightened.

#### **Science Advisory Board**

Governor Cooper acknowledged that GenX is not the only compound that could potentially affect water quality. To tackle issues surrounding unregulated emerging compounds and overall water safety, Governor Cooper is expanding the scope of the reconstituted Science Advisory Board to review the research and assist the state in addressing water quality.

**Enhance Disclosure and Monitoring**

North Carolina DEQ will make changes to its permit application process that require companies to disclose more information about the unregulated pollutants they release. DEQ will also require additional monitoring of unregulated pollutants for the purposes of developing water quality standards and improved transparency. The results of additional monitoring will be shared with DEQ and DHHS on a regular basis.

**Investing Resources to Prioritize Safe Water**

Governor Cooper highlighted the need for more state experts to work on protecting North Carolina's water. He announced that when the legislature returns in August, he will push legislation with specific requests to the General Assembly for enhanced staffing to handle water safety.

For DEQ that will include a request for more inspectors, engineers, environmental specialists and chemists; resources to conduct long term GenX sampling; and a reversal of this year's harmful budget provisions that required over \$1 million in budget cuts. For DHHS that will include a request for resources to establish a Water Health Safety Unit in the Division of Public Health that would include two senior scientists, a data analyst and a health educator.

**Bottom Line**

As Governor Cooper said in Wilmington today, he has directed state employees to work on this issue as though their own family members were drinking this water every day. The safety of drinking water – not just in Wilmington, but statewide – is a top priority for Governor Cooper, and he will continue to push for answers and solutions. The governor expects to be back in the Lower Cape Fear region in the coming weeks, and will continue to stay updated through regular briefings.

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